

1
2
3
4
5
6
7 IN THE SUPERIOR COURT OF
8 THE STATE OF WASHINGTON FOR KING COUNTY

9 SEATTLE POLICE OFFICERS' GUILD
10 (SPOG), a Washington labor organization,
11 SEATTLE PARKING ENFORCEMENT
12 OFFICERS' GUILD (SPEOG), a Washington
13 labor organization; SEATTLE POLICE
14 DISPATCHERS' GUILD (SPDG), a
15 Washington labor organization; LOCAL 17, a
16 Washington labor organization; and TEAMSTERS
17 117, a Washington labor organization.

18 Plaintiffs,

19 v.

20 CITY OF SEATTLE, a municipal corporation;
21 FELIPE HEMMING, individually; and
22 PINAC NEWS.
23

Defendants.

16-2-11369-9 SEA

Case No.: 16-2-11369-9 SEA

DECLARATION OF JAMES M.
CLINE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER

18 UNDER PENALTY OF PERJURY AND PURSUANT TO THE LAWS OF THE STATE OF
19 WASHINGTON, I CERTIFY THE FOLLOWING TO BE TRUE AND CORRECT TO THE BEST OF
20 MY KNOWLEDGE.

21 I. My name is James M. Cline. I am over the age of eighteen years and competent to be a
22 witness. The statements contained in this declaration are based upon my personal knowledge
23

1 of the facts. I am an attorney at law and partner in the law firm of Cline & Casillas. I have
2 been an attorney since 1986.

- 3 2. Among the clients I represent, I perform legal services for the Seattle Parking Enforcement
4 Officers' Guild (SPEOG) and the Seattle Police Dispatchers' Guild (SPDG), two of the
5 plaintiffs in this matter.
- 6 3. On April 7, 2015, our client from the SPEOG informed us of a public disclosure request
7 made by a Mr. Felipe Hemming to the City of Seattle. Mr. Hemming requested among other
8 things, the "badge photo" of both sworn and civilian staff of the Seattle Police Department.
9 See Exhibit A.
- 10 4. Mr. Hemming's request was made to the City of Seattle via a gmail account of
11 californiapolicenews@gmail.com and listed PINAC News under his name within the e-mail.
12 *Id.*
- 13 5. Upon reviewing Mr. Hemming's request made by a gmail account at
14 californiapolicenews@gmail.com, I was not satisfied that he in fact would qualify as "media"
15 as defined in RCW 5.68.010(5). Our firm and the attorney for the Seattle Police Officer's
16 Guild expressed that concern to the Police Department public records representative, Ms.
17 Mary Perry.
- 18 6. A review of PINAC's website (<https://photographyisnotacrime.com/>) showed that the last
19 post made by Mr. Hemming was April 7, 2015. In addition, there was no indication from
20 Mr. Hemming's gmail e-mail account to the City, that he in fact was (1) the Mr. Hemming
21 who was listed on PINAC's website of last authoring an article on April 7, 2015 and (2) that
22 he was currently an agency of PINAC.
23

- 1 7. A meeting was subsequently set-up with Ms. Mary Perry, the Director of Transparency and
2 Privacy for the City of Seattle on Friday, May 6th. Ms. Perry was the city official in charge of
3 facilitating Mr. Hemming's PRA request. Attending this meeting was Ms. Perry, myself and
4 my associate Jordan L. Jones on behalf of SPEOG and SPOG, and Ms. Shawna Skjonsberg-
5 Fotopoulos who is in-house counsel for the Seattle Police Officers' Guild (SPOG).
- 6 8. Among the issues we discussed, the Guild representatives wanted to determine what
7 affirmative steps Ms. Perry took on behalf of the City of Seattle to verify that Mr. Hemming
8 indeed was a journalist for PINAC and was designated by them as an agent or employee, a
9 designation which appears to be necessary for an individual journalist to claim the status as
10 part of the media.
- 11 9. Ms. Perry agreed to prolong the planned disclosure of employee photos planned to be
12 turned over May 16, 2016, if PINAC failed to respond by Monday, May 9, 2016 affirming his
13 status as agent or employee.
- 14 10. Ms. Perry subsequently memorialized our meeting in an e-mail to Ms. Skjonsberg-Fotopoulos
15 that Perry asked to be forward to myself and my associate Jordan L. Jones. See Exhibit B.
- 16 11. Ms. Perry stated in part that she "left it [(i.e., an e-mail message)] with PINAC's website
17 because that appeared to be the only way to communicate with it. I will let you know if I
18 hear back. If I do not hear back, I will ask Mr. Hemming to have PINAC provide
19 verification to SPD that he is media" *Id.*
- 20 12. On May, 9, 2016, Ms. Perry informed us that Mr. Hemming indicated that he was an
21 investigative researcher for PINAC and that he discussed news items he posts on his Twitter
22 feed at <https://twitter.com/felipehemming>. See Exhibit C.
- 23

- 1 13. Mr. Hemming also provided an address of 79405 Highway 111, Suite 9-237, La Quinta, CA
2 92253 for service. *Id.*
- 3 14. By Ms. Perry's own e-mail statement, she told Mr. Hemming that the address appeared to be
4 a mailbox at a UPS Store and that "[w]ould you mind clarifying whether this is your mailbox,
5 is it PINAC's, or both?" *Id.*
- 6 15. I subsequently sent a follow-up e-mail to Ms. Perry asking her if "am I correct in
7 understanding that PINAC did not yet reply to your inquiry seeking to verify if they had
8 authorized Mr. Hemming to be their agent? I did not understand the relevance of the twitter
9 feed link he provided. It appears to be his twitter account. I trust the lack of response from
10 PINAC means that there will not be an anticipated release next Monday." *Id.*
- 11 16. Ms. Perry subsequently responded that my interpretation was not correct "because further
12 extending the Monday deadline puts the City at risk." Ms. Perry further stated that "Mr.
13 Hemming responded to my inquiry to PINAC. That Hemming had access to the
14 communication to PINAC and answered on behalf of PINAC could only be interpreted by a
15 court as evidence that he is PINAC's agent You question why I referred to the Twitter
16 account discussed during his phone response to me. While not directly related to PINAC,
17 the Twitter account arguably qualifies him as 'media' because even an internet blogger
18 qualifies as 'news media' under the broad statutory definition in RCW 5.68.010(5) so long as
19 he or she is in 'the regular business of news gathering and disseminating news or information
20 to the public" *Id.*
- 21 17. My associate subsequently sent a follow-up e-mail to Ms. Perry asking that she ". . . promptly
22 forward to us all electronic communication you have had directly with PINAC verifying Mr.
23 Hemming's relationship with PINAC" *Id.*

- 1 18. A review of two subsequent e-mails provided by Ms. Perry detailing the electronic
2 communication she had with Mr. Hemming did not appear to clarify why she was indicating
3 that Mr. Hemming replied to the City's e-mail from the PINAC website. See Exhibit D.
- 4 19. My associate asked Ms. Perry to clarify "why you are saying Mr. Hemming replied to your e-
5 mail from the PINAC website. The gmail account of "californiapolicenews@gmail.com"
6 provides no indication that it is the e-mail account of PINAC." See Exhibit E.
- 7 20. Ms. Perry subsequently responded that "I'm not saying he replied from the website. I am just
8 saying he was aware that I had transmitted the communication to PINAC via its website." *Id.*
- 9 21. I believe that Ms. Perry's answer showed a lack of documentation that Mr. Hemming was an
10 agent or employee of PINAC and would qualify as media. We have received nothing else
11 from Ms. Perry that would otherwise indicate that PINAC holds out Mr. Hemming as its
12 agent or employee.

13 Badge Photo Not Within Personnel Files

- 14 22. As our research indicates, SPD does not regularly maintain photographs of its employees in
15 their actual personnel files. The only consistent record of employee photos is with the City
16 to create "badges" for employees to get in and out of SPD-owned facilities. The
17 information supplied by Ms. Perry leads us to believe that she is authorizing the release of
18 individual photos not contained in the personnel file.

19 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
20 is true and correct.

21 Dated this 12th day of May, 2016.

22 CLINE & CASILLAS

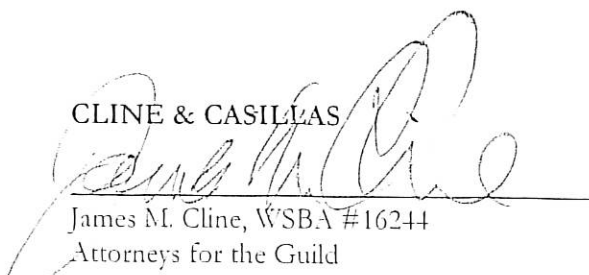
23 
James M. Cline, WSBA #16244
Attorneys for the Guild

EXHIBIT A

From: Felipe Hemming
To: SPD-PDR, SPD; Data, Open; Baughaw, Sally; Burgess, Tim; Gekken, Jean; Gonzalez, Lorena; Harrell, Bruce; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Sawant, Kshama
Subject: Re: City of Seattle Police Department ID card "Photo" files and associated data
Date: Tuesday, January 05, 2016 11:06:05 AM

Greetings,
Please advise to the status of my request.
Thanks,
Felipe

On Mon, Jan 4, 2016 at 10:31 AM, Felipe Hemming
<californiapolicenews@gmail.com> wrote:

Greetings,

I would the complete "Photo/Image" files for the entire staff of the City of Seattle Police Department both sworn and civilian staff and the associated data, including

- names
- badge number
- badge photo
- birthdays
- hire date
- position title
- unit name
- hourly salary of each current employee.

I request the data be provided in Excel format and the photos be provided in their native electronic format with all their original pixels and meta-data and filename. I request the data that associates filenames with the employee. I'm engaged in bona fide news gathering for photographyisnotacrime.com, an entity in the regular business of publishing news to the public.

Felipe Hemming

PINAC News

[909.522.8560](tel:909.522.8560)

[909.942.2537](tel:909.942.2537) (FAX)

californiapolicenews@gmail.com

"Don't Wonder What Happened, Know What Happened With PINAC News"

--

Felipe Hemming

PINAC News

[909.522.8560](tel:909.522.8560)

[909.942.2537](tel:909.942.2537) (FAX)

californiapolicenews@gmail.com

"Don't Wonder What Happened, Know What Happened With PINAC News"

EXHIBIT B

Jordan Jones

From: Perry, Mary <Mary.Perry@seattle.gov>
Sent: Friday, May 06, 2016 3:30 PM
To: Shawna Skjonsberg-Fotopoulos
Cc: Jim Cline; Jordan Jones
Subject: RE: P2016-14: Meeting Follow Up

I let you know of any follow up.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Shawna Skjonsberg-Fotopoulos [mailto:shawna@seattlepoliceguild.org]
Sent: Friday, May 06, 2016 3:27 PM
To: Perry, Mary
Cc: Jim Cline; Jordan Jones
Subject: FW: P2016-14: Meeting Follow Up

Mary,

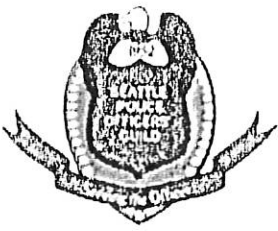
On behalf of Jim, Jordan and myself, thank you for taking time to meet with us, for the cases and for the update. We would appreciate it if you could please forward us correspondence you receive from PINAC.

Also, I copied both Jim and Jordan on this email so you may have each other's email contact info, as well.

Thanks, again.

Shawna

Shawna Skjonsberg-Fotopoulos
In-House Counsel
Seattle Police Officers' Guild
2949 – 4th Avenue South
Seattle, WA 98134
Phone: 206-767-1150 x 106
Fax: 206-768-1848
shawna@seattlepoliceguild.org



Notice: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying and/or disclosing the contents. Thank you.

From: Perry, Mary [mailto:Mary.Perry@seattle.gov]
Sent: Friday, May 06, 2016 3:08 PM
To: Shawna Skjonsberg-Fotopoulos
Subject: P2016-14: Meeting Follow Up

Shawna:

This is to follow up on our meeting today. I don't have contact info for Jim Cline or Jordan Jones, so I would appreciate it if you would forward this to them.

The two cases we discussed are attached for reference. Here is the body of the message I provided to PINAC. I left it on PINAC's website because that appeared to be the only way to communicate with it. I will let you know if I hear back. If I do not, I will ask Mr. Hemming to have PINAC provide verification to SPD that he is media:

The Seattle Police Department has received a request from Felipe Hemming for the photographs of every Seattle Police Department employee. Under the Washington Public Records Act, Chapt. 42.56 RCW (PRA), photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies are exempt from disclosure except to the media as defined by RCW 5.68.010(5). While the PRA generally prohibits an agency from inquiring about the purpose of a records request, where the PRA precludes limits disclosure of records for particular uses or to specific categories of requestors, an agency has an affirmative duty to determine whether the limitation applies, and a mere affirmation from the requestor is generally insufficient to meet this requirement. *SEIU Healthcare 775NW v. State, Dep't of Soc. & Health Servs.*, 2016 WL 1447304 (Apr. 12, 2016).

Mr. Hemming identifies himself as being associated with PINAC News. We ask that you please respond with verification that Mr. Hemming is a member of the media affiliated with PINAC. SPD is processing this request and will disclose responsive records to Mr. Hemming if you provide the required verification that he is media acting as PINAC's agent. Because disclosure to Mr. Hemming is predicated on this verification, we ask that you provide the necessary verification not later than Monday, May 9. If we do not receive verification by that date, it will delay our ability to provide the records to Mr. Hemming within the timeframe we have indicated to him.

In addition, as provided by RCW 42.56.540, SPD employees and their labor representatives have received notice of Mr. Hemming's request. As persons affected by the request, they have the legal right under RCW 42.56.540 to bring legal action to enjoin the release of any records they believe may not be subject to disclosure. If Mr. Hemming is acting as PINAC's agent, please provide the name and address of PINAC's agent for service of process. We would also appreciate it if you could provide us Mr. Hemming's address for similar purposes. We do not know whether anyone will bring such an action. However, the requestor is a necessary party to a third-party lawsuit, whose joinder is mandatory under Washington court rules. *Burt v. Washington State Dep't of Corr.*, 168 Wn. 2d 828, 837, 231 P.3d 191 (2010).

Thank you.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

Total Control Panel

[Login](#)

To: jjones@clinelawfirm.com
From: mary.perry@seattle.gov

Message Score: 1
My Spam Blocking Level: Medium

High (60): Pass
Medium (75): Pass
Low (90): Pass

[Block](#) this sender
[Block](#) seattle.gov

This message was delivered because the content filter score did not exceed your filter level.

EXHIBIT C

Jordan Jones

From: Jordan Jones
Sent: Tuesday, May 10, 2016 6:04 PM
To: Perry, Mary; Jim Cline; Shawna Skjonsberg-Fotopoulos
Cc: Maxey, Brian; Boatright, Rebecca
Subject: RE: PDR 2016-14

Hi Mary,

Please promptly forward to us all electronic communication you have had directly with PINAC verifying Mr. Hemming's relationship with PINAC. Thank you.

--

Jordan L. Jones
Associate Attorney
Cline & Casillas, P.S.
520 Pike Street, Suite 1125
Seattle, WA 98101
Phone: (206) 838-8770
Fax: (206) 838-8775
Website: www.clinelawfirm.com
Blog: www.washingtonlaborandemploymentblog.com

This electronic message contains information belonging to the law firm of Cline & Casillas which may be privileged, confidential, attorney work product and/or protected from disclosure under applicable law. This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521, and is legally privileged. The information is intended only for the use of the individual or entity named above. If you think you have received this message in error, please notify the sender either by email or telephone. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client work product or other applicable privilege. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

From: Perry, Mary [Mary.Perry@seattle.gov]
Sent: Tuesday, May 10, 2016 4:31 PM
To: Jim Cline; Shawna Skjonsberg-Fotopoulos; Jordan Jones
Cc: Maxey, Brian; Boatright, Rebecca
Subject: RE: PDR 2016-14

Jim:

No, that is not the correct interpretation because further extending the Monday deadline puts the City at risk.

Mr. Hemming responded to my inquiry to PINAC. That Hemming had access to the communication to PINAC and answered on behalf of PINAC could be interpreted by a court as evidence that he is PINAC's agent. I also note that there are multiple internet references to Hemming's association with PINAC beyond the four articles on the website. He is referred to as a "PINAC investigator" <https://photographyisnotacrime.com/2016/03/nypd-cop-shooting-dog-extended-video-emerges-beat-owner/>; a "staffer for PINAC News" <http://www.chron.com/about/article/Two-men-arrested-at->

Shell-refinery-6703581.php; "PINAC News investigator" <http://www.newsy-today.com/graphic-california-cops-kill-suspect-in-8-seconds-holding-garden-hose-spray-nozzle-updated-pinac-news/>; and "PINAC's national investigator" <http://mrroyaute.tumblr.com/post/141965312916/nypd-cop-shooting-dog-extended-video-emerges-they> These support his claimed relationship to PINAC.

You question why I referred to the Twitter account discussed during his phone response to me. While not directly related to PINAC, the Twitter account arguably qualifies him as "media" because even an internet blogger qualifies as "news media" under the broad statutory definition in RCW 5.68.010(5) so long as he or she is in "the regular business of news gathering and disseminating news or information to the public."

I understand your concern about disclosure of the photographs. Further delay, nonetheless, substantially increases the City's risk of PRA liability.

Mary F. Perry
Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Jim Cline [mailto:jcline@clinelawfirm.com]
Sent: Monday, May 09, 2016 5:27 PM
To: Perry, Mary; Shawna Skjonsberg-Fotopoulos; Jordan Jones
Subject: RE: PDR 2016-14

Mary, am I correct in understanding that PINAC did not yet reply to your inquiry seeking to verify if they had authorized Mr. Hemming to be their agent?

I did not understand the relevance of the twitter feed link he provided. It appears to be his twitter account.

I trust the lack of direct response from PINAC means that there will not be an anticipated release next Monday.

Jim

From: Perry, Mary [mailto:Mary.Perry@seattle.gov]
Sent: Monday, May 09, 2016 5:12 PM
To: Shawna Skjonsberg-Fotopoulos <shawna@seattlepoliceguild.org<mailto:shawna@seattlepoliceguild.org>>; Jim Cline <jcline@clinelawfirm.com<mailto:jcline@clinelawfirm.com>>; Jordan Jones <JJones@clinelawfirm.com<mailto:JJones@clinelawfirm.com>>
Subject: FW: PDR 2016-14

FYI

Mary F. Perry
Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue

PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Perry, Mary
Sent: Monday, May 09, 2016 5:10 PM
To: californiapolicenews@gmail.com<mailto:californiapolicenews@gmail.com>
Subject: PDR 2016-14

Mr. Hemming:

This is to follow up on our telephone conversation earlier today. Thank you for contacting me.

During our conversation, you indicated that you were an investigative researcher for PINAC, and that you have provided information to PINAC beyond the items reflected under your by-line on the website. We also discussed the news items posted to your Twitter feed at <https://twitter.com/felipehemming>

In response to my request for an address for you, you provided the following:
79405 Highway 111
Suite 9-237
La Quinta, CA 92253

This appears to be mail box at a UPS Store. Would you mind clarifying whether this is your mailbox, is it PINAC's, or both?

Thank you,

Mary F. Perry
Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

Total Control Panel Login<<https://asp.reflexion.net/login?domain=clinelawfirm.com>>

To: jjones@clinelawfirm.com<<https://asp.reflexion.net/address-properties?aID=2401890239&domain=clinelawfirm.com>>
From: mary.perry@seattle.gov

Message Score: 1 High (60): Pass
My Spam Blocking Level: Medium Medium (75): Pass

Low (90): Pass

Block<<https://asp.reflexion.net/FooterAction?ver=3&bl-sender-address=1&hID=14901074280&domain=clinelawfirm.com>> this sender
Block<<https://asp.reflexion.net/FooterAction?ver=3&bl-sender-domain=1&hID=14901074280&domain=clinelawfirm.com>> seattle.gov

This message was delivered because the content filter score did not exceed your filter level.

EXHIBIT D

Jordan Jones

From: Perry, Mary <Mary.Perry@seattle.gov>
Sent: Wednesday, May 11, 2016 8:45 AM
To: Jordan Jones
Subject: FW: PDR 2016-14

This is the second email thread with Mr. hemming.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Perry, Mary
Sent: Monday, May 09, 2016 5:10 PM
To: californiapolicenews@gmail.com
Subject: PDR 2016-14

Mr. Hemming:

This is to follow up on our telephone conversation earlier today. Thank you for contacting me.

During our conversation, you indicated that you were an investigative researcher for PINAC, and that you have provided information to PINAC beyond the items reflected under your by-line on the website. We also discussed the news items posted to your Twitter feed at <https://twitter.com/felipehemming>

In response to my request for an address for you, you provided the following:

79405 Highway 111
Suite 9-237
La Quinta, CA 92253

This appears to be mail box at a UPS Store. Would you mind clarifying whether this is your mailbox, is it PINAC's, or both?

Thank you,

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

Total Control Panel

[Login](#)

To: jjones@clincilawfirm.com

[Remove](#) this sender from my allow list

From: mary.perry@seattle.gov

You received this message because the sender is on your allow list.

Jordan Jones

From: Perry, Mary <Mary.Perry@seattle.gov>
Sent: Wednesday, May 11, 2016 8:44 AM
To: Jordan Jones
Subject: FW: P2016-14
Attachments: PINAC PDR2016-14.xlsx

This is the first of two email thread reflecting communication with Mr. Hemming. I have spoken to him by phone twice when he called me on April 5 and on May 9. Sean Whitcomb also spoke to him on at least one occasion.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Perry, Mary
Sent: Wednesday, April 13, 2016 5:21 PM
To: californiapolicenews@gmail.com
Subject: RE: P2016-14

Mr. Hemming:

This is to follow up on my communication from last week. The a modified release of a spreadsheet that excludes employee birthdays and replaces the data set with employee age is attached. I will update you regarding the remainder of your request by May 4 as indicated below.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Perry, Mary
Sent: Wednesday, April 06, 2016 5:46 PM
To: californiapolicenews@gmail.com
Subject: P2016-14

Mr. Hemming:

This is to let you know we are working on a modified release of a spreadsheet that excludes employee birthdays and replaces the data set with employee age as indicated in your conversation with Sgt. Whitcomb. We anticipate that we will be able to provide you this by Wednesday, April 13.

We are still in the process of reviewing the portion of your request that seeks the photos of all employees. I will provide you updated information regarding that portion of the request not later than May 4, 2016.

Please let me know if you have any questions.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Whitcomb, Sean
Sent: Tuesday, April 05, 2016 5:15 PM
To: californiapolicenews@gmail.com
Cc: Perry, Mary
Subject: thanks

Hello Felipe,

Thanks for taking the time to talk to me just now. I will begin working with Mary Perry to expedite a modified release that excludes employee birthdays and replaces the data set with employee age.

If there is every any question as to employee identification based on duplication, you have my word that my team and I will sort it out promptly.

Best regards,

Sean

Sergeant Sean Whitcomb
Public Affairs Director

Seattle Police Department
PO Box 34986, 610 5th Avenue
Seattle, WA 98104
(206) 615-0923 office
(206) 240-7279 cell

Visit us at: [SPD Blotter](#) | [Twitter](#) | [Facebook](#) | [Nextdoor](#)

Total Control Panel

[Login](#)

To: jjones@clinelawfirm.com

[Remove](#) this sender from my allow list

From: mary.perry@seattle.gov

You received this message because the sender is on your allow list.

EXHIBIT E

Jordan Jones

From: Perry, Mary <Mary.Perry@seattle.gov>
Sent: Wednesday, May 11, 2016 9:00 AM
To: Jordan Jones
Cc: Jim Cline; Shawna Skjonsberg-Fotopoulos
Subject: RE: PDR 2016-14

I'm not saying he replied from the website. I am saying he was aware that I had transmitted the communication to PINAC via its website.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.


From: Jordan Jones [mailto:JJones@clinelawfirm.com]
Sent: Wednesday, May 11, 2016 8:58 AM
To: Perry, Mary
Cc: Jim Cline; Shawna Skjonsberg-Fotopoulos
Subject: RE: PDR 2016-14
Importance: High

Hi Mary,

Can you please clarify why you are saying Mr. Hemming replied to your e-mail from the PINAC website. The gmail account of "californiapolicenews@gmail.com" provides no indication that it is the e-mail account of PINAC.

--
Jordan L. Jones
Associate Attorney
Cline & Casillas, P.S.
520 Pike Street, Suite 1125
Seattle, WA 98101
Phone: (206) 838-8770
Fax: (206) 838-8775
Website: www.clinelawfirm.com
Blog: www.washingtonlaborandemploymentblog.com



 CLINE CASILLAS

This electronic message contains information belonging to the law firm of Cline & Casillas which may be privileged, confidential, attorney work product and/or protected from disclosure under applicable law. This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521, and is legally privileged. The information is

intended only for the use of the individual or entity named above. If you think you have received this message in error, please notify the sender either by email or telephone. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client work product or other applicable privilege. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

From: Perry, Mary [<mailto:Mary.Perry@seattle.gov>]
Sent: Wednesday, May 11, 2016 8:45 AM
To: Jordan Jones <JJones@clinelawfirm.com>
Subject: FW: PDR 2016-14

This is the second email thread with Mr. hemming.

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

From: Perry, Mary
Sent: Monday, May 09, 2016 5:10 PM
To: californiapolicenews@gmail.com
Subject: PDR 2016-14

Mr. Hemming:

This is to follow up on our telephone conversation earlier today. Thank you for contacting me.

During our conversation, you indicated that you were an investigative researcher for PINAC, and that you have provided information to PINAC beyond the items reflected under your by-line on the website. We also discussed the news items posted to your Twitter feed at <https://twitter.com/felipehemming>

In response to my request for an address for you, you provided the following:

79405 Highway 111
Suite 9-237
La Quinta, CA 92253

This appears to be mail box at a UPS Store. Would you mind clarifying whether this is your mailbox, is it PINAC's, or both?

Thank you,

Mary F. Perry

Director of Transparency and Privacy
Seattle Police Department
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986

206-727-8805

All emails and attachments, including personal information, sent to and from the Seattle Police Department are subject to the Washington Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third-party requestor.

Total Control Panel

[Login](#)

To: jjones@clinelawfirm.com

[Remove](#) this sender from my allow list

From: mary.perry@seattle.gov

You received this message because the sender is on your allow list.